

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOHN FUCHS, PATRICK MORIN, ANTHONY
MACAGNONE, MICHAEL CONROY, DAVID
HAINES, GEOFFREY JAMES, JAMES
MALCOLM, WILLIAM MACCHIONE, ALAN
EHL, FRANK WIRT, KEVIN HICKS, JOSEPH
OLIVIERI, DALE STUHLMILLER, ARTHUR
GODSELL, ROBERT CARLINO, PAUL J.
O'BRIEN, JR., ROSS PEPE, RICHARD
O'BEIRNE, JAMES LOGAN, ANTHONY
CAROPRESSO, ANTONIO MARTINS and TODD
HELFRICHS, as Trustees of the EMPIRE STATE
CARPENTERS WELFARE, PENSION,
VACATION, ANNUITY, SCHOLARSHIP,
APPRENTICE-TRAINING,
LABOR-MANAGEMENT COOPERATION and
CHARITABLE TRUST FUNDS,

ORDER
05-CV-4906(ADS)(AKT)

Plaintiffs,

-against-

ROWLANTI CONSTRUCTION, INC.,

Defendant.

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APPEARANCES:

Levy Ratner P.C.

Attorneys for the plaintiffs

80 Eighth Avenue

8th Floor

New York, NY 10011-5126

By: Owen M. Rumelt, Esq., of Counsel

NO APPEARANCE:

Rowlanti Construction, Inc.

SPATT, District J.

On October 20, 2005, the plaintiffs commenced the present action against the defendant Rowlanti Construction, Inc., seeking damages pursuant to several labor-related causes of action. On June 29, 2006, the Court entered a default judgment against the defendant, and referred the matter to United States Magistrate Judge A. Kathleen Tomlinson for an inquest as to damages. After numerous extensions of time for the plaintiffs, on November 24, 2010 Judge Tomlinson issued a thorough Report recommending that the plaintiff be awarded damages in the amount of

- \$203,717.74 for unpaid fringe benefits;
- \$69,575.44 for interest on the unpaid fringe benefits through November 23, 2010, with additional interest accruing at a daily rate of \$18.14 until judgment is entered;
- \$69,575.44 in liquidated damages;
- \$4,920.50 in attorneys' fees and court costs.

To date, no objection has been filed to Judge Tomlinson's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United

Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Tomlinson's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against Sukram in the amount of \$342,868.62, plus \$18.14 for each day after November 23, 2010 until judgment is entered, plus \$4,920.50 in attorneys' fees; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
January 11, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge